

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOHNNY WILLIAM BOYDE,

Plaintiff,

vs.

**5:21-CV-1277
(TJM/TWD)**

JOSEPH E. FAHEY,

Defendant.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

The Court referred this *pro se* civil action, brought pursuant to 42 U.S.C. § 1983, to Magistrate Judge Thérèse Wiley Dancks for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Presently before the Court is Plaintiff's Amended Complaint, filed after the Court accepted and adopted Judge Dancks's Report-Recommendation and dismissed the initial Complaint with leave to replead. See dkt. # 8. Plaintiff appears to allege that the Defendant, a retired Onondaga County Court Judge, violated Plaintiff's rights in the way he adjudicated cases involving the Plaintiff. Plaintiff also raises claims about documents he submitted to this Court regarding that criminal case.

Judge Dancks gave the Amended Complaint an initial review to determine whether service was appropriate. Judge Dancks's Report-Recommendation, dkt. # 12, issued on

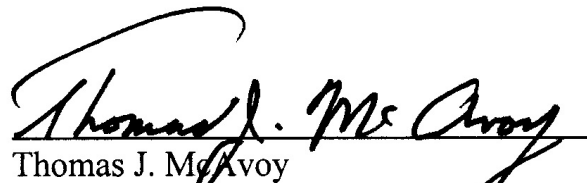
April 22, 2022, recommends that the Court dismiss the Complaint without leave to amend. Judge Dancks finds that Plaintiff's claims are frivolous, having no basis in any plausible legal claim or theory. Plaintiff also fails to allege how Defendant violated any of his rights, and instead simply claims that he suffered such a violation. Moreover, the Defendant is immune from any claims Plaintiff seeks to raise regarding his decisions as a judge.

Plaintiff objected to the Report-Recommendation. See dkt. # 14. When a party objects to a magistrate judge's Report-Recommendation, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." Id.

Having reviewed the record *de novo* and having considered the issues raised in the Plaintiff's objections, this Court has determined to accept and adopt the recommendation of Judge Dancks for the reasons stated in the Report-Recommendation. His objections contain exhibits of transcripts from court proceedings involving the Plaintiff and presided over by the Defendant. Plaintiff does not explain how these transcripts demonstrate that his Amended Pleading states a claim upon which relief could be granted. The Court finds nothing in those transcripts to support a claim, and the arguments Plaintiff offers in his objections are vague and unconvincing. Accordingly:

Plaintiff's objections to the Report-Recommendation of Judge Dancks, dkt. # 14, are hereby **OVERRULED**. The Report-Recommendation, dkt. # 12, is hereby

ACCEPTED and **ADOPTED**. Plaintiff's Amended Complaint is hereby **DISMISSED**
WITHOUT LEAVE TO AMEND. The Clerk of Court is directed to **CLOSE** the case.
IT IS SO ORDERED.


Thomas J. McAvoy
Senior, U.S. District Judge

Dated: May 26, 2022